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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,590	07/07/2000	Hi-Chan Moon	678-512 (P9486)	9296

7590 05/10/2004

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EXAMINER

JUNG, MIN

ART UNIT PAPER NUMBER

2663

DATE MAILED: 05/10/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,590

Applicant(s)

MOON ET AL.

Examiner

Min Jung

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9,10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8, 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Parsa et al., US 6,480,525 (Parsa).

Parsa discloses a collision resolution for packet data communication in a CDMA system.

Specifically, regarding claims 1-3, and 6-7, and 17, Parsa teaches an uplink channel assignment method for user equipment in a CDMA communication system, comprising the steps of: transmitting an access preamble signal having channel information, the channel information being used to access a base station (col. 7, lines

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58-62); receiving an access preamble acquisition indicator signal from the base station in response to the access preamble signal (col. 8, lines 15-19); transmitting a collision detection preamble for the reconfirmation of the right of using an uplink channel in response to the received access preamble acquisition indicator signal (col. 8, lines 40-45); receiving a first signal indicating acquisition of the collision detection preamble and a second signal indicating channel assignment, in response to the collision detection preamble (col. 8, lines 45-48, and 52-61); and upon receipt of the first and second signal, transmitting uplink channel data through an uplink channel assigned by the second signal (col.4, lines11-14).

The channel is allocated according to a combination of a signature included in the access preamble (AP signature, col. 7, line 58) and a signature included in the second signal (CD1-ICH, col. 8, line 57).

The signature included in the access preamble indicates a channel characteristic desired by the user equipment (col. 7, lines 58-62) and the signature included in the second indicator signal indicates assignment information of the channel which can support the channel characteristic desired by the user equipment (col. 8, lines 52-61).

Further, Parsa teaches transmitting power control preamble to adjust an appropriate power level for the message (col. 7, lines 53-60).

Regarding claims 4, 5, 8, and 18, a method of uplink channel assignment method is recited from the perspective of a base station. The method steps correspond to the steps recited in claims 1 and 6, and since the communication is between a base station

and a mobile station, the teaching of Parsa outlined above for claims 1 and 6 also apply to this group of claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-16, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsa.

Parsa teaches the claimed invention except for the step of selecting a signature for the data rate to be used. Parsa provides teaching of selecting a signature from a set of predefined signatures, but is silent on "data rate". Parsa, however, teaches a plurality of signature groups. Data rate and a channel (or group of channels) having to accommodate a certain data rate for QOS or other needs is a common issue which has been widely dealt with in the communication industry. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Parsa to integrate the feature of data rate information in the access preamble for requesting a channel to optimize the match between a channel and a MS.

Response to Arguments

5. Applicant's arguments filed March 10, 2004 have been fully considered but they are not persuasive. Applicants allege that the verified English translation of priority Korean Application No. 27166/1999 provided with the response is sufficient to overcome the rejections under 35 USC 102(e) and 103. Examiner is not convinced. Altogether, there are nine Korean Patent Applications from which the applicants claim priority. The translation provided with applicants' response is only one of the nine Korean Applications. Clearly, the one translated application provides only a portion of the invention claimed in the present US application. Such is apparent from just comparing the claims in the present application and the translated Korean application. Applicants didn't even attempt to make a reasonable argument presenting any reason why and how one of the nine priority document sufficiently shows the presently claimed invention. Moreover, three of the nine priority documents have filing dates later than the date of the reference. Therefore, even if all the required translations were provided for the six documents with earlier dates, and even if they were sufficient to overcome the reference regarding certain aspect of the invention, certain other aspects of the invention covered in the three documents with later dates shall not be overcome.

Therefore, applicants' arguments are not persuasive and the same rejections have been repeated above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 703-305-4363. The examiner can normally be reached on Monday-Friday, 7AM-3PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MJ
May 3, 2004


Min Jung
Primary Examiner